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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1333/2017

TAHIR @ SAHIL

..... Petitioner

Through: Mr.Ashutosh Kaushik, Adv.

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Dr.M.P.Singh, APP.

Insp.Yogesh, SHO, Khajuri Khas.

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

% **01.08.2017**

The request of the petitioner for being released on furlough has been rejected by the competent authority vide order dated 13.04.2017. The reason assigned for rejecting such a request is that the petitioner had jumped the parole and was only rearrested in another case. Learned counsel for the petitioner, with reference to the nominal roll has indicated that the conduct of the petitioner for the last one year in jail has been satisfactory. He was punished only on 20.03.2014 for a jail offence but thereafter he has led a disciplined life.

It has been pointed out by the learned counsel for the State that on an earlier occasion a bench of this Court vide order dated 15.02.2017 passed in W.P(Crl) No.479/2017, while rejecting the prayer for being released on furlough, had observed that it would be open for the petitioner to make an application for furlough after the expiry of three years from the date of

imposition of the punishment dated 21.03.2014 and whenever such an application would be filed after three years, the same would be considered on its own merits by the State.

Learned counsel for the petitioner submits that the rejection of the prayer for furlough is primarily for the reason that he had been punished in the year 2014 and that he had jumped the parole in 2013.

The address of the petitioner as provided by him has been verified and has been found to be correct.

Taking into account the period of custody of the petitioner i.e. about 10 years and his jail conduct for the last one year being satisfactory, this Court is inclined to release the petitioner on furlough for a period of three weeks, to be counted on the date of his release, on his furnishing a bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall abide by the conditions listed below:-

- a) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- b) The petitioner shall not engage himself in any unlawful activity.
- c) The petitioner would not leave, under any circumstance, the National Capital Region of Delhi, without intimating the officer-in-charge of the concerned police station.
- d) He shall furnish his and his sureties' mobile telephone numbers to the SHO of the concerned police station so that in case of necessity he could be tracked and his whereabouts could be ascertained.

In case, the petitioner flouts any one of the conditions, an application

could be moved by the SHO for cancellation of his furlough and for taking of coercive steps for securing his attendance.

With these observations, the petition is disposed of.

The order be communicated to the Superintendent of the concerned jail for compliance and record.

**ASHUTOSH KUMAR, J**

**AUGUST 01, 2017**

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